

REMARKS

Claims 1-6, 8-17, 23-25, 28-30, 38-41 and 49-53 are pending in the application. Claims 42-48 have been cancelled without prejudice, and claims 7, 18-22, 26-27, 31-32, and 36-37 are withdrawn from consideration. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendments contained herein.

REJECTION UNDER 35 U.S.C. § 102

Claims 1-6, 8-17, 33-35 and 38-41 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Burnside et al. (U.S. Pat. No. 6,237,604). This rejection is respectfully traversed.

At the outset, the Applicant submits that the amendments to claims 1, 33 and 38 have rendered the above rejections moot. These claims have been amended to clarify that the memory or electronic identification device includes information on the physical and geometric properties of the elongate medical device, which the interface takes into account in providing actuation instructions to the navigation device for controlling the distal end of the device. The specification states that when the medical device is plugged into the workstation computer...the associated device properties information is communicated to the workstation computer, where the properties may include quantities unique to the device that are essential for navigational control, such as the length of flexible device segments, elastic properties, cross-sectional details, magnet dimensions and the type of magnet. (paragraph 24 of the specification). A navigational control algorithm determines a set of actuation control variables $\{u\}$ that drive the device towards a user-specified target, where a functional relationship f of the control variable is based on the physics model of the flexible device. (paragraphs 30 - 31).

With regard to Burnside et. al., this reference discloses a medical probe having an electronic storage component that stores a identification code, from which a generator 12 may determine if the medical probe has been previously use. The generator may disable the electronic storage component (or the code) if the medical probe is determined to have been used. The generator may further disable the electronic storage component after an elapsed time since an initial operation, or after a number of times of device operation. This reference accordingly teaches a medical probe with an electronically stored identification code that is utilized (stored or erased) to prevent the same probe from illegitimately being reused without proper re-sterilization, or to prevent the same probe from being used after a limited usage time period.

Burnside et al. does not disclose an electronic identification device that includes physical or geometric properties of the medical device being used, or an interface that provides actuation instructions that take into account information on the physical and geometric properties of the elongate medical device obtained from the electronic identification device. Thus, the Applicant believes that amended claims 1, 33 and 38 are distinguished from Burnside. As such, the Applicant submits that claims 1, 33 and 38, and claims 2-6, 8-17, 34-35 and 38-41 which ultimately depend from independent claims 1, 33 and 38, are allowable for at least these reasons.

REJECTION UNDER 35 U.S.C. § 102

Claims 23-25 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Osadchy et al. (U.S. Pat. No. 6,266,551). This rejection is respectfully traversed.

At the outset, the Applicant submits that the amendments to claim 23 has rendered the above rejections moot. Claim 23 has been amended to clarify that the memory or electronic identification device includes information on the physical and geometric properties of the elongate medical device, which the interface takes into account in providing actuation instructions to the navigation device for controlling the distal end of the device.

With regard to Osadchy et al., this reference also does not disclose an electronic identification device that includes physical or geometric properties of the medical device being used, such as the length of flexible device segments, elastic properties, cross-sectional details, magnet dimensions and the type of magnet. Osadchy also fails to disclose an interface that provides actuation instructions that take into account information on the physical and geometric properties of the elongate medical device obtained from the electronic identification device. Thus, the Applicant believes that amended claim 23 is distinguished from Osadchy. As such, the Applicant submits that claims 23 and claims 24-25, which ultimately depend from independent claim 23, are allowable for at least these reasons.

REJECTION UNDER 35 U.S.C. § 103

Claims 23-25 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Osadchy et al. (U.S. Pat. No. 6,266,551). This rejection is respectfully traversed.

At the outset, the Applicant submits that the amendments to claim 28 has rendered the above rejections moot. Claim 28 has been amended to clarify that the memory or electronic identification device includes information on the physical and geometric properties of the elongate medical device, which the interface takes into

account in providing actuation instructions to the navigation device for controlling the distal end of the device.

With regard to Osadchy et al., this reference also does not disclose an electronic identification device that includes physical or geometric properties of the medical device being used, or an interface that provides actuation instructions that take into account information on the physical and geometric properties of the elongate medical device obtained from the electronic identification device. Thus, the Applicant believes that amended claim 28 is distinguished from Osadchy. As such, the Applicant submits that claims 28 and claims 29-30, which ultimately depend from independent claim 28, are allowable for at least these reasons.

NEW CLAIMS

Claims 49-53 have been added to further claim features of the electronic identification device, such as type of physical or geometric parameters of the medical device stored, which is fully supported and disclosed in paragraph 24 of the present specification.


CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action and the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner

believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (314)-726-7500.

Respectfully submitted,

Dated: October 12, 2006

By: 
Kevin Pumm, Reg. No 49,046

Harness, Dickey & Pierce, P.L.C.
7700 Bonhomme, Suite 400
St. Louis, Missouri 63105
(314) 726-7500